

04/16/99
JC398 U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DAC
JC491 U.S. PTO
09/30/96
04/16/99

Applicants: Dean L. Engelhardt et al

Serial No. Not Yet Known

Filed: February 3, 1998

Title: NOVEL PROCESS, CONSTRUCT AND
CONJUGATE FOR PRODUCING MULTIPLE
NUCLEIC ACID COPIES



Group Art Unit: Not Yet Known

Examiner: Not Yet Known

Prev. Examiner: Dianne Rees

Prev. Art Unit: 1807

527 Madison Avenue, 9th Floor
New York, New York 10022
April 16, 1999

FILED BY EXPRESS MAIL

Assistant Commissioner for Patents
United States Patent and Trademark Office
Office of Petitions
Crystal Park One, Suite 520
Washington, D.C. 20231

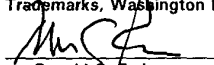
Attention: **BOX DAC**

**PETITION TO OBTAIN A FILING RECEIPT AND
APPLICATION SERIAL NUMBER UNDER 37 C.F.R. § 1.53**

Dear Sirs:

Applicants through their attorneys submit this Petition in order to obtain a filing receipt and application serial number for the above-identified continuation application which was filed on February 3, 1998 as a continuation of U.S. Patent Application Serial No. 08/182,621, filed on January 13, 1994, now abandoned.

In her Declaration annexed as Exhibit 1, Lisa Curtin, Applicants' attorney's legal assistant, sets out the facts and circumstances surrounding the necessity for submitting this Petition.

EXPRESS MAIL CERTIFICATE	
"Express Mail" Label No. <u>EM366566409</u>	
Deposit Date <u>April 16, 1999</u>	
I hereby certify that this paper and the attachments herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington DC 20231.	
 Ronald C. Fedus Reg. No. 32,567	<u>APRIL 16 99</u> Date

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APR 20 1999
SPECIAL PROGRAMS OFFICE
DAC FOR PATENTS

Dean L. Engelhardt et al.
Serial No.: Not Yet Known
Filed: February 3, 1998
Page 2 (Petition to Obtain A Filing Receipt And Application Serial Number
Under 37 C.F.R. §1.53 - April 16, 1999)

As Ms. Curtin attests in her Declaration (Exhibit 1), Applicants have made repeated and sincere good-faith attempts over the past year to obtain a serial number for this application. Thus far, these attempts have been to no avail. The failure of the Patent office to assign a serial number to identify this application, pursuant to 37 C.F.R. §1.53 has effectively hindered examination and prosecution of the application to the point of unfairly prejudicing Applicants' rights in their invention.

Accordingly, it is respectfully requested that this Petition be acted upon promptly and that the subject patent application be assigned a serial number and issued a filing receipt without further delay.


It is believed that no fee is due in connection with the filing of this Petition. In the event that any fee or fees are due, however, The Patent and Trademark Office is hereby authorized to charge Deposit Account No. 05-1135 for any such fee(s), or to credit any overpayment thereto.

A duplicate copy of this Petition but without attached Exhibit 1 is also submitted herewith.

If it would be helpful to expediting the processing of this Petition, the undersigned attorney may be contacted during normal business hours at (212) 583-0100.

Favorable action on this Petition is earnestly solicited.

Respectfully Submitted,



Ronald C. Fedus
Registration No. 32,567
Attorney for Applicants

ENZO DIAGNOSTICS, INC.
c/o Enzo Biochem, Inc.
527 Madison Avenue (9th Fl.)
New York, New York 10022
Telephone: (212) 583-0100
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ENZ-52(C)

04/16/99
JC398 U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Dean L. Engelhardt et al.

Serial No. 08/182,621

Filed: January 13, 1994



Title: NOVEL PROCESS, CONSTRUCT
AND CONJUGATE FOR
PRODUCING MULTIPLE NUCLEIC
ACID COPIES

Group Art Unit: 1807

Examiner: Dianne Rees

527 Madison Avenue, 9th Floor
New York, New York 10022
February 3, 1998

FILED BY EXPRESS MAIL

Honorable Commissioner
of Patents and Trademarks
Washington, D.C. 20231 **Box DAC**

Attention: Office of Deputy Assistant
Commissioner for Patents
2121 Crystal Drive
Crystal Park 2 - Suite 913
Arlington, Virginia 22202

**PETITION TO REVIVE
AN UNINTENTIONALLY ABANDONED
APPLICATION UNDER 37 C.F.R. §1.137(b)**

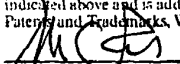
Dear Sirs:

Applicants submit this Petition to the Commissioner under the provisions of 37 C.F.R. §1.137(b) to revive the above-identified application in which taking action was unintentionally delayed.

The above-identified application became unintentionally abandoned after July 9, 1997, which was the date that a response to the April 9, 1997 Office Action was originally due.

By virtue of two telephone conversations between Examiner Dianne Rees and the undersigned's legal assistant, Lisa Curtin, it is believed that a Notice of Abandonment was mailed on November 12, 1997, although the instant Assignee has no record of ever having received that paper. On January 7, 1997, Ms. Curtin was informed orally by the Patent Office that her previous request for a copy of the Notice of Abandonment was being processed and that a copy would be mailed out shortly. To date, however, no copy of the Notice of Abandonment has been received.

Enz-52

EXPRESS MAIL CERTIFICATE	
"Express Mail" Label No.	EM366566576
Deposit Date	FEBRUARY 3, 1998
I hereby certify that this paper and the attachments herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231.	
 Ronald C. Fedus	FEB 3 98 Date

Dean L. Engelhardt et al.
Serial No. 08/182,621
Filed: January 13, 1994
Page 2 (Petition to Revive an Unintentionally Abandoned Application
Under 37 C.F.R. § 1.137(b) - February 3, 1998)

It is hereby requested that this application be revived because the delay in taking action was unintentional. This petition is being made within the one year of the date of abandonment pursuant to 37 C.F.R. § 1.137(b) and further, is within the three month period since the mailing of the Notice of Abandonment pursuant to the the new December 1, 1997 rules.

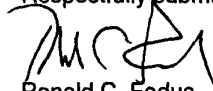
Submitted concurrently herewith is a proposed response, attached as Exhibit A, in the form of a request for filing a Continuation Application Under 37 C.F.R. § 1.60 together with a Preliminary Amendment. To conform to the April 9, 1997 Restriction Requirement, two divisional applications are also being concurrently filed herewith, those filings being attached as Exhibits B and C respectively. Filing fees for all three applications (one continuation and two divisionals) are authorized in their respective request forms.

Under rules effective October 1, 1997, the fee for filing a Petition To Revive an Unintentionally Abandoned Application Under 37 C.F.R. § 1.137(b) is \$660.00 for a small entity. Small entity status was previously established in this application and is still applicable. The Patent and Trademark Office is hereby authorized to charge Deposit Account No. 05-1135 for the requisite small entity fee of \$660.00 set forth in 37 C.F.R. § 1.17(m). The Patent and Trademark Office is further authorized hereby to charge Deposit Account No. 05-1135 for any other fees required in connection with this Petition or to credit any overpayment thereto.

A duplicate copy of this Petition but without attached Exhibits A, B and C is also submitted herewith.

Favorable action on this Petition is earnestly solicited.

Respectfully submitted,



Ronald C. Fedus
Registration No. 32,567
Attorney for Applicants

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